

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-11 and 13-19 remain active in this case, and Claims 12 and 20 have been previously canceled without prejudice.

In the outstanding Office Action, Claims 1-3 and 6-8 were rejected under 35 U.S.C. 103(a) as unpatentable over Horimai (US Patent 7,002,891 B2) in view of Kuroda (US Patent 5,576,084). Claims 4-5 were rejected under 35 U.S.C. 103(a) as unpatentable over Horimai and Kuroda and further in view of Tsukamoto (US Patent 7,042,824 B2). However, Claims 9-11 and 13-19 were indicated as allowed.

First, Applicants acknowledge with appreciation allowance for Claims 9-11 and 13-19.

Regarding the rejection of Claims 1-8, Applicants respectfully traverse the outstanding grounds for rejection, because in Applicants' view, a *prima facie* case of obviousness has not been established, as discussed below.

In particular, Applicants respectfully disagree with the finding stated at page 4, lines 4-10 in the outstanding Office Action that,

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to "minimize cross-talks between neighboring tracks of a series of information pits and between neighboring information pits by providing the variable transmittance material layer" (Kuroda column 2 lines 19-23).

To establish a *prima facie* case of obviousness, M.P.E.P. §2143 requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the references teachings.

According to holographic recording, an optical characteristic distribution is three-dimensionally formed in the recording layer, as described on page 2, lines 16 to 22 of the present specification. Therefore, a region in which information is written by a certain information-light and a region in which information is written by another information-light can partially overlap each other. That is, according to the holographic recording, recording marks can partially overlap one another. This is one of the reasons why the holographic recording can achieve a high recording density. The technique for producing recording marks partially overlapping one another is referred to as “multiple recording” in the specification at page 2, line 22 and “multiplex recording” in Horimai at col. 1, line 43. According to the multiple recording or multiplex recording, when information held by a certain recording mark is to be reproduced, not only the particular recording mark but also the neighboring recording marks are irradiated with a light. Since information is reproduced utilizing interference of a reference-light by the recording mark (*i.e.*, interference pattern) according to the holographic recording, almost no deterioration of S/N ratio is caused by the neighboring recording marks. That is, the holographic recording technique is substantially free from cross-talks.

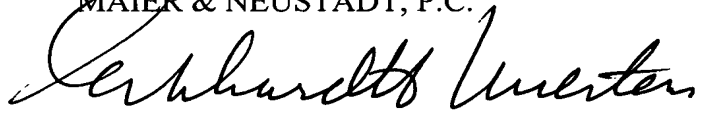
Therefore, there is no motivation to provide a masking layer of Kuroda to the holographic recording medium of Horimai to minimize cross-talks between neighboring tracks of a series of information pits (recorded marks) and between neighboring information pits.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established.

Consequently, in light of the above discussions, Applicants respectfully request withdrawal of the rejection of Claims 1-8. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

EHK/TY:pta
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